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CITY COMMISSION MINUTES

December 7, 2010

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, December 7, 2010 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Gerry Vernon, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

PUBLIC COMMENT

George Marcus of 1538 McFarland Rd. stated that he has kept his taxes current. He would like to see the current pay to play system regarding building permits to continue. He stated that if the requirement for building permits is waived now, it may have a negative impact on the number of people who pay their taxes this year. He stated the he was opposed to items 8i because a buffer had been created to protect property values.

CONSENT AGENDA

The consideration and approval of **Appropriation Ordinance A-23-2010** dated November 9th to December 1st 2010 in the amount of \$1,050,816.60. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Approval of the **November 16, 2010** City Commission Meeting Minutes; approval of the October 22, 2010 City Commission Meeting Minutes; Approval of the November 15, 2010 City Commission Meeting Minutes. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Monthly Reports:

1. Water Department Report
2. Police Department Report

The consideration and approval of Payroll #22 and #23 for the month of November 2010. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

The consideration and approval for Self-Help Housing to purchase a 20' tilt trailer for \$5,514.00 with their grant funds. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

The consideration and approval of amendment to Self-Help Technical Assistance Grant Agreement. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

The consideration and approval to set the Municipal Court Judge's salary. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

The consideration and approval of Policy Resolution PR-11-01 for proposed pay grades with minimum wages and maximum wages for each grade. Commissioner Heldstab moved; seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

SPECIAL PRESENTATIONS

Service Awards presented by Tricia Gowen. Letter of recognition were read and awards were presented by the Mayor.

UNFINISHED BUSINESS

The consideration and approval of **Ordinance G-1086** to allow for the sale of fireworks within the corporate city limits of Junction City (Final Reading). **Gerry Vernon Presenting.** Commissioner Taylor asked if sales could be allowed for New Year's. Chief Steinfort state that sales are only allowed during the 4th of July according to state law. Commissioner Johnson stated that he felt the \$1,500 was excessive. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve G-1086 on final reading. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1083** adopting recommendation of the Junction City/Geary County MPC to amend the Junction City Zoning Regulations (Final Reading). **David Yearout Presenting.** Commissioner Johnson moved, seconded by Commissioner Taylor to approve G-1083 on final reading. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1084** amending the Title V, Building and Construction, Chapter 585, Day Care Inspection Code of the Municipal Code by amending the definition of "Family Day Care Home" (Final Reading). **David Yearout Presenting.** Commissioner Taylor moved, seconded by Commissioner Johnson to approve G-1084 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of **Ordinance S-3088** a request to rezone the property at 107 South Franklin Street filed by Gary Junghans, owner, and Auto Craft, Inc., contract buyer (Final Reading). **David Yearout Presenting.** Commissioner Johnson moved, seconded by Commissioner Taylor to approve S-3088 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

NEW BUSINESS

The consideration of condemnation of the structure at 305 N. Madison. **Mark Karmann Presenting.** Commissioner Taylor asked the owner how much additional time would be needed. The owner stated that it would be hard to know because of the weather. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve an extension of 60 days and review of condemnation on February 15, 2011. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1091** to amend section 100.040 of the municipal code PUBLIC RECORDS – ACCESS TO AND COPYING (first reading). **Tyler Ficken Presenting.** Commissioner Heldstab moved, seconded by Commissioner Johnson to approve G-1091 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1093** to allow a building permit to be issued when all real property taxes and special assessment payments against the property have been paid in full (first reading). **Gerry Vernon Presenting.** City manager Vernon stated that there needs to be a compromise here; somewhere between one building permit at a time, and the requirement for all taxes to be paid. Commissioner Johnson stated that he would like to hear from the developers who cannot pay their taxes. Commissioner Taylor stated that the next commission needs to decide on this issue. Commissioner Heldstab stated that he supports what can be done to create growth. City Manager Vernon stated that Olivia Farms makes up of 19% of the unpaid taxes. Commissioner Johnson stated that he would like to see a list of this information. City Manager Vernon stated that there needs to be a plan to reduce the default rate. Inspector Mark Karmann stated that those who own 3 to 4 lots are caught and these numbers will help chip away. Item died due to the lack of a motion.

The consideration and approval to set a public hearing date for 2010 Budget Amendments. **Cheryl Beatty Presenting.** Commissioner Heldstab moved, seconded by commissioner Talley to approve December 21, 2010 as a public hearing date for 2010 budget amendments. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1089** an update to Water Utility Code (first reading). **Cheryl Beatty Presenting.** Commissioner Johnson moved, seconded by commissioner Talley to approve G-1089 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1090** an update to Wastewater Utility code (first reading). **Cheryl Beatty Presenting.** Commissioner Johnson asked if changes in the ordinance impact sewer back-up issues. Finance Director Beatty stated that the City is held liable for back-up when the City causes the back-up due to negligence. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve G-1090

on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1087** adopting by reference a new Title V, Building and Construction, of the Municipal Code of the city of Junction City by establishing Title V as a separately prepared document that includes the adoption of the 2006 International Building Codes (first reading). **David Yearout Presenting.** Commissioner Heldstab asked if the code change would result in any hardships to builders. David Yearout stated that the commission has the ability to change standards within the code after adoption. Commissioner Taylor asked how modular homes are inspected. Inspector Karmann stated that a 3rd part inspection sheet is required on these buildings. Commissioner Talley moved, seconded by Commissioner Johnson to approve G-1087 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of **G-1092** amending title II of the City Code concerning the adoption by reference of the 2006 International Fire Code and the NFPA 101 Fire Prevention Code (first reading). **David Yearout Presenting.** Commissioner Taylor moved, seconded by Commissioner Johnson to approve G-1092 on first reading: Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of request of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, for rezoning of Lot 24, a replat of Michael's Run, located at the northwest corner of McFarland Road and Caroline Avenue, from "CSR" Service Commercial Restricted to "PDD" Planned Development District to allow redevelopment of the property into a duplex residential neighborhood. **David Yearout Presenting.** Commissioner Heldstab moved, seconded by Commissioner Taylor to approve request of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, for rezoning of Lot 24, a replat of Michael's Run, located at the northwest corner of McFarland Road and Caroline Avenue, from "CSR" Service Commercial Restricted to "PDD" Planned Development District to allow redevelopment of the property into a duplex residential neighborhood. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

COMMISSIONER COMMENTS

Commissioner Heldstab asked about the time frame on Rod Pratt's house. Inspector Karmann stated that the building was awarded last week and construction is expected to begin; he will address to Commission regarding the project.

Commissioner Taylor encouraged people from the community to run for City Commission.

Commissioner Talley apologized to the Commission for being late to the meeting due to work related responsibilities. Commissioner Talley asked about the Franklin school project. City Manager Vernon stated that he believed that the City was completed with the project, and would provide an update in the future. IS Director Germann

stated that Principal Gibson sent him an e-mail state that things in the area are going better.

Mayor Rhodes thanked Platinum Broadcasting for their work on the Christmas parade.

STAFF COMMENTS

City Manager Vernon stated City staff will have a Christmas dinner on December 17th at noon at the municipal building, and the Commission is invited to attend.

City Clerk Ficken stated that information is available on the website for those who are considering running for City Commission.

EXECUTIVE SESSION

A session to discuss issues of attorney client privilege to include the Commission, City Manager Vernon, and City Attorney Logan; not to exceed 15 minutes. Commissioner Heldstab moved, seconded by Commissioner Talley to adjourn into executive session at 8:49 PM not to exceed 15 minutes to discuss attorney client privileges. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Included in the Executive Session were the Commission, City Manager Vernon, and the City Attorney Logan. Commissioner Taylor moved, seconded by Commissioner Talley to reconvene into regular session at 9:04 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Johnson to adjourn at 9:05 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 21st DAY OF DECEMBER 2010 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR December 7th, 2010.



Tyler Ficken, City Clerk

Mike Rhodes, Vice Mayor